

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY BARTUNEK,

Defendant.

8:17CR28

ORDER

This matter is before the Court on defendant Gregory Bartunek’s (“Bartunek”) Motion to Compel (Filing No. 506) his “Defense Counsel of record, Mr. Andrew Wilson [(“Wilson”)] to surrender the Case/Work File he created in representing [Bartunek]” in the above-captioned criminal case. In particular, Bartunek seeks “1) Transcripts he or any associates reviewed for the Defendant’s Appeal[;] 2) All discovery available[;] 3) All Court filings, motions, responses, and orders[; and] 4) All other notes, letters, correspondence, plea agreements offered, emails, and/or any other tangible thing associated with this case.”

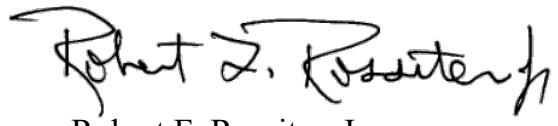
Bartunek does not give a statutory or procedural basis for his motion but states “he is currently defending his 28 U.S.C. § 2255 Motion and his Rule 60(b) Motion” and needs the information to successfully obtain post-conviction relief. He says Wilson is aware of his efforts in that regard but has “failed to surrender” Bartunek’s entire file. It is unclear from Bartunek’s request if Wilson has provided any part of his file.

In light of the foregoing, the Court finds it would be beneficial to hear from Wilson regarding Bartunek’s request before ruling on the pending motion. Accordingly, Wilson shall file a response to Bartunek’s motion on or before December 19, 2023.

IT IS SO ORDERED.

Dated this 6th day of December 2023.

BY THE COURT:



Robert F. Rossiter, Jr.
Chief United States District Judge